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7 Attorney for Defendant

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF WASHINGTON**
10 **AT RICHLAND**

11 UNITED STATES OF
12 AMERICA

4:15-CR-6049-EFS-3

13 Plaintiff;

Memorandum in Support
of Declaring this Case
Complex

14 v.

15 ROSA GRANADOS (3),

16 Defendant.

17 Come now defendant Rosa Granados and moves the Court to
18 declare the instant case “complex” in accordance with Appendix I
19 and III of the Criminal Justice Act Plan for the United States
20 District Court for the Eastern District of Washington. "When
appropriate, counsel should seek a ruling from the presiding judge

MEMORANDUM IN SUPPORT OF
DECLARING THIS CASE COMPLEX - 1

1 as soon as feasible as to whether a case is 'complex' or 'extended.'"
2 U.S. DISTRICT COURT, E.D. WASH., Criminal Justice Act Plan 19
3 (2013). The presiding judge directed counsel to "be prepared to
4 discuss whether this case is complex" at the February 21, 2017
5 Pretrial Conference. *Order Denying Motion to Expedite and Directing*
6 *Preparation for Pretrial Conference*, at 2:11-12 (ECF 341).

7 The maximum compensation CJA attorneys can earn per case
8 is capped by statute. 18 U.S.C. § 3006A(d)(2). This cap can be
9 waived for cases requiring "extended or complex representation" if
10 the presiding judge certifies the "excess payment is necessary to
11 provide fair compensation" and the decision is approved by the chief
12 judge of the circuit or his designee. 18 U.S.C. § 3006A(d)(3).

13 Representation is *extended* "[i]f more time is reasonably
14 required for total processing than the average case, including pre-
15 trial and post-trial hearings..." CJA Guideline § 230.30.40(b).
16 Representation is *complex* "[i]f the legal or factual issues in a case
17 are unusual, thus requiring the expenditure of more time, skill, and
18 effort by the lawyer than would normally be required in an average
19 case..." *Id.* '
20

1 This case should be declared extended due to the volume of
2 discovery. To date, the Government has disclosed more the 400
3 gigabytes of data (mostly video) and more than 2100 pages of
4 discovery. It anticipates disclosing an additional 30 CDs. The
5 Government represents that they still have substantial audio
6 recordings to disclose. The amount of time required to review this
7 discovery, isolate relevant evidence, conduct an investigation,
8 consult with experts, and prepare for trial makes reasonably
9 probable the total processing time for this case will exceed the
10 average case.

11 This case should be declared complex because the factual
12 issues are unusual requiring counsel to expend more time, skill and
13 effort than usual. This case involves an alleged conspiracy spanning
14 13 defendants and an unknown number of uncharged individuals.
15 The case spans more than six years of investigation and initial
16 prosecution. Furthermore, this case involves tracing financial
17 transactions through the alleged conspiracy (viz. the defendants
18 charged with money laundering). Connecting-the-dots, so to speak,
19 for these transactions will require additional time and skill for
20 counsel.

1 For these reasons, the Court should declare this case complex
2 and extended.

3 Dated: February 16, 2017

Respectfully Submitted,

4 s/Adam R. Pechtel

5 Adam R. Pechtel/WSBA #43743

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Bradley Scarp, Attorney for Defendant, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: N/A.

s/Adam R. Pechtel

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